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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,876	08/08/2001	Charles E. Bucher	PC-883DIV	3324
23717	7590	08/04/2004		
LAW OFFICES OF BRIAN S STEINBERGER 101 BREVARD AVENUE COCOA, FL 32922				
			EXAMINER VERDIER, CHRISTOPHER M	
			ART UNIT	PAPER NUMBER
			3745	

DATE MAILED: 08/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/924,876

Applicant(s)

BUCHER ET AL.

Examiner

Christopher Verdier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-7,20,23-25,27,28,30 and 32-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5-7,20,23-25,27,28 and 30 is/are rejected.
- 7) ☒ Claim(s) 4 and 32-36 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Applicants' Amendment dated May 3, 2004 has been carefully considered but is deemed non-persuasive. The newly submitted Replacement Sheets of drawings dated May 3, 2004 are acceptable. The claims been amended to correct the objections thereto set forth in the previous Office action. Claim 33 has been amended to overcome the rejection under 35 USC 112, second paragraph set forth in the previous Office action. Correction of the above matters is noted with appreciation.

Applicants' statement that the instant application and Wu 5,951,197 were, at the time the invention was made, owned by, or subject to an obligation of assignment, to the same entity, is noted. Applicants' argument that under MPEP 706.02, the Wu '197 reference is not available as prior art under 35 USC 102(e) against the subject application is not persuasive and is incorrect. MPEP 706.02(l) states "It is important to recognize that 35 U.S.C. 103(c) applies only to consideration of prior art for purposes of obviousness under 35 U.S.C. 103. It does not apply to or affect subject matter which qualifies as prior art under 35 U.S.C. 102." MPEP 706.02(l)(1) states "Subject matter that qualifies as anticipatory prior art under 35 U.S.C. 102, including 35 U.S.C. 102(e) is not affected, and may still be used to reject claims as being anticipated." Therefore, the rejection of claims 1, 5-7, 20, 23-25, 27-28, and 30 under 35 U.S.C. 102(e) as being anticipated by Wu 5,951,197 (figures 7-9) is proper. With regard to Applicants' offer to file a Terminal Disclaimer disclaiming the above Wu '197 reference, the offer is appreciated, but the examiner does not see any double patenting existing between the instant application and Wu '197.

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The examiner reiterates his previous comments that MPEP 2136.04 explains that if there is any difference in an inventive entity, the reference is by "another". The fact that there may be a common assignee does not alter the fact that Wu '197 is by "another". The examiner also reiterates his previous comment that the effective filing date of the claimed subject matter of the instant application is September 24, 1999.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 5-7, 20, 23-25, 27-28, and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Wu 5,951,197 (figures 7-9). The effective filing date of the claimed subject matter of the instant application is September 24, 1999. Note the detachable blade arm 40 for a ceiling fan comprising a ceiling fan motor 30 with rotating member 30a, with the blade mounting arm 40 having a connecting end 41 connected to the rotating member 30a, and a protruding member 35 and a slot 45, which is a keyhole shaped, for attaching the connecting end of the mounting arm to the rotating member 30a by allowing the mounting arm to slide onto and lock with the rotating member. The protruding member 35 is located on the rotating member 30a and the slot 45 is located on the end of the mounting arm. Note deformable means 35 located

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between the end of the mounting arm and the rotating member. Note spring means 42 for locking the second end of the mounting arm to the rotating member 30a. The recitation in claim 6, lines 2-3 of "a deformable means between the second end of the mounting arm and the rotating member for vibration isolation and enhanced fit" invokes 35 USC 112, sixth paragraph. The deformable means 35 disclosed by Wu '197 located between the end of the mounting arm and rotating member is identical to Applicants' disclosed deformable means 130. The recitation in claim 7, line 2 of "spring means for locking the second end of the mounting arm to the rotating member" invokes 35 USC 112, sixth paragraph. The spring means 42 disclosed by Wu '197 performs the identical function of locking the end of the mounting arm to the rotating member, no explicit definition in Applicants' specification excludes the spring means 42 of Wu '197 as an equivalent, and the spring means 42 of Wu '197 performs the same function in substantially the same way and produces the same result. Therefore, the spring means 42 of Wu '197 is considered to be an equivalent to Applicants' disclosed spring means 140. Wu also discloses a method of attaching detachable blade arm 40 to the ceiling fan motor 30, comprising positioning an end of a blade arm 40 about an unnumbered fastening portion on the ceiling fan motor housing, sliding the blade arm away from the ceiling fan motor, and locking the blade arm to the ceiling fan motor, with the positioning step including positioning a protruding member 35 into a keyhole slot 45, and with the step of sliding including sliding the protruding member, with the step of locking including locking the blade arm to the ceiling fan motor by centrifugal force (the centrifugal force generated by rotation of the ceiling fan motor will bias the blade arms 40 radially outwardly, thereby inherently additionally locking the blade arm by centrifugal force), with the step of positioning including the step of positioning an end of the blade underneath the

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ceiling fan motor housing (see column 4, lines 8-17). Element 35 is considered to be an enlarged headed fastener. The element 35 provides vibration isolation between the arm and the ceiling fan motor. Wu discloses a protruding member 35 which fits into keyhole slot 45, for fastening the inner end of a blade arm 40 to the rotatable portion 30a of the fan housing by pulling the blade arm away from the motor housing. The protruding means 35 is broadly in the form of an enlarged head fastener.

Allowable Subject Matter

Claims 4 and 32-36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Verdier whose telephone number is (703)-308-2638. The examiner can normally be reached on Monday-Friday from 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward K. Look can be reached on (703) 308-1044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

C.V.
July 30, 2004


Christopher Verdier
Primary Examiner
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